

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

Terry Owens,)	
Plaintiff,)	
)	Case No. 6:13-cv-03433-MDH
vs.)	
)	
Central Trust Bank, et al.,)	
Defendants.)	

Defendant The Central Trust Bank's Answer

Comes Now Defendant The Central Trust Bank, by and through counsel, and for its Answer to Plaintiff's Second Amended Petition states as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and therefore denies the same.

Jurisdiction and Venue

2. Paragraph 2 fails to make an allegation of fact to which a response is required. To the extent Paragraph 2 makes an allegation of fact, Defendant denies the same.

3. With regard to Paragraphs 3 through 8, Defendant admits that this separate Defendant has offices located at 500 Jefferson St., Jefferson City, MO 65101, 238 Madison St., Jefferson City, MO 65101, and 131 E. Miller St., Jefferson City, MO 65101, and receives mail at P.O. Box 779, Jefferson City, MO 65102, but is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraphs 3 through 8 and therefore denies the same.

4. Defendant denies the allegations of Paragraph 9.¹

Subject Matter Jurisdiction

5. Paragraph 10 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 10 makes an allegation of fact, Defendant denies the same.

6. Paragraph 11 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 11 makes an allegation of fact, Defendant denies the same.

Parties

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in the unnumbered paragraph found between Paragraphs 11 and 12 and therefore denies the same.

8. Defendant admits it is a credit lender and may be considered a “furnisher of information” within the meaning of the Fair Credit Reporting Act, but denies all other allegations contained in Paragraph 12.

9. The paragraphs after Paragraph 12 numbered 1-4 and also 13-15 do not state an allegation of fact to which this Defendant may respond and are therefore denied.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 16 and therefore denies the same.

11. Defendant admits that Al Stonum is a Sr. Vice President and Bankcard Director, with this answering Defendant, but denies all other allegations contained in Paragraph 17.

12. Defendant admits that James Gerling is a Bankcard Officer and an Officer of this answering Defendant, but denies all other allegations contained in Paragraph 18.

13. There is no Paragraph 19 in the Second Amended Petition.

¹ Paragraphs 4-8 of the Second Amended Petition are the addresses referenced in the allegations of Paragraph 3.

Plaintiff's Introduction & Plaintiff's Statement of the Case

14. Defendant admits that Plaintiff opened an account with Defendant's subsidiary and/or affiliate on or about March 2007 and that Plaintiff applied for and was approved for a credit card which was issued by Defendant (or its subsidiary and/or affiliate) on or about September 2007, but denies all other allegations of Paragraph 20.

15. Defendant admits that the credit card Plaintiff applied and approved for was mailed to Plaintiff's address on or about October 2007, but Defendant denies all other allegations of Paragraph 21.

Plaintiff's First of Three FCRA Mandated Elements

16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 22 and therefore denies the same.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 23 and therefore denies the same.

18. Paragraphs 24 through 54 list exhibits to Plaintiff's Second Amended Petition and fail to make an allegation of fact to which a response is required. To the extent Paragraphs 24 through 54 make allegations of fact, Defendant denies such allegations.

Plaintiff's Second of Three FCRA Mandated Elements

19. Paragraph 55 fails to make an allegation of fact to which a response is required. To the extent Paragraph 55 makes an allegation of fact, Defendant denies the same.

20. Paragraph 56 fails to make an allegation of fact to which a response is required. To the extent Paragraph 56 makes an allegation of fact, Defendant denies the same.

21. Paragraph 57 fails to make an allegation of fact to which a response is required. To the extent Paragraph 57 makes an allegation of fact, Defendant denies the same.

22. Paragraph 58 fails to make an allegation of fact to which a response is required. To the extent Paragraph 58 makes an allegation of fact, Defendant denies the same.

23. Paragraph 59 fails to make an allegation of fact to which a response is required. To the extent Paragraph 59 makes an allegation of fact, Defendant denies the same.

24. Paragraphs 60 through 68 list exhibits to Plaintiff's Second Amended Petition and fail to make an allegation of fact to which a response is required. To the extent Paragraphs 60 through 68 make allegations of fact, Defendant denies such allegations.

Plaintiff's Third and Final FCRA Mandated Element

25. Paragraphs 69 through 72 fail to make an allegation of fact to which a response is required. To the extent Paragraphs 69 through 72 make allegations of fact, such allegations are denied.

26. Paragraph 73 fails to make an allegation of fact to which a response is required. To the extent Paragraph 73 makes an allegation of fact, Defendant denies the same.

27. Paragraph 74 refers to an exhibit to the Second Amended Petition and fails to make an allegation of fact to which a response is required. To the extent Paragraph 74 makes an allegation of fact, Defendant denies such allegation.

28. Defendant admits it has a record keeping, data retrieval, and maintenance systems, but denies the remaining allegations of Paragraph 75.

29. Defendant admits it has certain information regarding Plaintiff which was provided by Plaintiff when he opened his account and/or applied for a credit card with Defendant (or its subsidiary or affiliate), but denies all other allegations contained in Paragraph 76.

30. Defendant admits that Al Stonum sent a letter to Plaintiff dated March 18, 2013 and denies all other allegations of Paragraph 77.

31. Paragraph 78 does not make any allegations of fact to which a response is required. To the extent Paragraph 78 makes an allegation of fact, Defendant denies such allegation.

32. Paragraph 79 refers to Plaintiff's Exhibit 40 and fails to make an allegation of fact to which a response is required. To the extent Paragraph 79 makes an allegation of fact, Defendant denies the same.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 80 and therefore denies the same.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 81 and therefore denies the same.

35. Paragraph 82 fails to make an allegation of fact to which a response is required. To the extent Paragraph 82 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of such allegation and therefore denies the same.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 83 and therefore denies the same.

37. Paragraph 84 fails to make an allegation of fact to which a response is required. To the extent Paragraph 84 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of such allegation and therefore denies the same.

**FCRA Statutory Background Referencing Section 623 Duties
Pertaining to Furnishers of Information**

38. Paragraph 45² fails to make an allegation of fact to which a response is required.

To the extent Paragraph 45 makes an allegation of fact, Defendant denies the same.

39. Paragraph 46 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 46 makes an allegation of fact, Defendant denies the same.

40. Paragraph 47 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 47 makes an allegation of fact, Defendant denies the same.

41. Paragraph 48 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 48 makes an allegation of fact, Defendant denies the same.

42. Paragraph 49 fails to make an allegation of fact to which a response is required.

There is no Paragraph 49 in this portion of the Second Amended Petition.

43. Paragraph 50 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 50 makes an allegation of fact, Defendant denies the same.

44. Paragraph 51 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 51 makes an allegation of fact, Defendant denies the same.

45. Paragraph 52 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 52 makes an allegation of fact, Defendant denies the same.

46. Paragraph 53 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 53 makes an allegation of fact, Defendant denies the same.

Furnishers FCRA Duties Under Section 623 of the FCRA

47. Paragraph 54 fails to make an allegation of fact to which a response is required.

To the extent Paragraph 54 makes an allegation of fact, Defendant denies the same.

² The Second Amended Petition begins numbering for this section at 45.

48. Paragraph 55 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 55 makes an allegation of fact, Defendant denies the same.

49. Paragraph 56 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 56 makes an allegation of fact, Defendant denies the same.

50. Paragraph 57 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 57 makes an allegation of fact, Defendant denies the same.

51. Paragraph 58 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 58 makes an allegation of fact, Defendant denies the same.

52. Paragraph 59 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 59 makes an allegation of fact, Defendant denies the same.

53. Paragraph 60 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 60 makes an allegation of fact, Defendant denies the same.

54. Paragraph 61 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 61 makes an allegation of fact, Defendant denies the same.

55. Paragraph 62 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 62 makes an allegation of fact, Defendant denies the same.

Defendant's Intentional and Tortious Procedural Violations

56. Defendant denies the allegations of Paragraph 63.

57. Paragraph 64 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 64 makes an allegation of fact, Defendant denies the same.

58. Paragraph 65 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 65 makes an allegation of fact, Defendant denies the same.

59. Paragraph 66 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 66 makes an allegation of fact, Defendant denies the same.

60. Paragraph 67 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 67 makes an allegation of fact, Defendant denies the same.

61. Paragraph 68 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 68 makes an allegation of fact, Defendant denies the same.

62. Paragraph 69 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 69 makes an allegation of fact, Defendant denies the same.

63. Paragraph 70 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 70 makes an allegation of fact, Defendant denies the same.

64. Paragraph 71 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 71 makes an allegation of fact, Defendant denies the same.

65. Paragraph 72 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 72 makes an allegation of fact, Defendant denies the same.

66. Paragraph 73 fails to make an allegation of fact to which a response is required.
To the extent Paragraph 73 makes an allegation of fact, Defendant denies the same.

67. Defendant denies the allegations of Paragraph 74.

68. Defendant denies the allegations of Paragraph 75.

69. Defendant denies the allegations of Paragraph 76.

70. Defendant denies the allegations of Paragraph 77.

71. Defendant denies the allegations of Paragraph 78.

72. Defendant denies the allegations of Paragraph 79.

73. Paragraph 80 fails to make an allegation of fact to which a response is required. To the extent Paragraph 80 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 80 and therefore denies the same.

74. Paragraph 81 fails to make an allegation of fact to which a response is required. To the extent Paragraph 81 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 81 and therefore denies the same.

75. Paragraph 82 fails to make an allegation of fact to which a response is required. To the extent Paragraph 82 makes an allegation of fact, Defendant denies the same.

76. Paragraph 83 fails to make an allegation of fact to which a response is required. To the extent Paragraph 83 makes an allegation of fact, Defendant denies the same.

77. Paragraphs 84 through 88 fail to make an allegation of fact to which a response is required. To the extent Paragraphs 84 through 88 make an allegation of fact, Defendant denies the same.

78. Paragraph 89 fails to make an allegation of fact to which a response is required. To the extent Paragraph 89 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 89 and therefore denies the same.

79. Paragraph 90 fails to make an allegation of fact to which a response is required. To the extent Paragraph 90 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 90 and therefore denies the same.

80. Paragraph 91 fails to make an allegation of fact to which a response is required. To the extent Paragraph 91 makes an allegation of fact, Defendant denies the same.

81. Paragraph 92 fails to make an allegation of fact to which a response is required. To the extent Paragraph 92 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 92 and therefore denies the same.

82. Paragraph 93 fails to make an allegation of fact to which a response is required. To the extent Paragraph 93 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 93 and therefore denies the same.

83. Paragraph 94 fails to make an allegation of fact to which a response is required. To the extent Paragraph 94 makes an allegation of fact, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in Paragraph 94 and therefore denies the same.

84. Paragraphs 95 through 106 list exhibits to Plaintiff's Second Amended Petition and fail to make an allegation of fact to which a response is required. To the extent Paragraphs 95 through 106 make allegations of fact, Defendant denies such allegations.

85. Paragraph 107 fails to make an allegation of fact to which a response is required. To the extent Paragraph 107 makes an allegation of fact, Defendant denies the same.

Defendants Written Statements Re: the Breach of FCRA Fiduciary Duties

86. Paragraph 54³ fails to make an allegation of fact to which a response is required. To the extent Paragraph 54 makes an allegation of fact, Defendant denies the same.

³ Plaintiff's Second Amended Petition begins this section at paragraph 54.

87. Defendant denies the allegations of Paragraph 55.

88. Defendant denies the allegations of Paragraph 56.

89. Paragraphs 57 through 61 fail to make allegations of fact to which a response is required. To the extent Paragraphs 57 through 61 make allegations of fact, Defendant denies the same.

90. Paragraph 62 fails to make an allegation of fact to which a response is required. To the extent Paragraph 62 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

91. Paragraph 63 fails to make an allegation of fact to which a response is required. To the extent Paragraph 63 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

92. Paragraph 64 fails to make an allegation of fact to which a response is required. To the extent Paragraph 64 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

93. Paragraph 65 fails to make an allegation of fact to which a response is required. To the extent Paragraph 65 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

94. Paragraph 66 fails to make an allegation of fact to which a response is required. To the extent Paragraph 66 makes an allegation of fact, Defendant is without sufficient

knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

95. Paragraph 67 fails to make an allegation of fact to which a response is required. To the extent Paragraph 67 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

96. Paragraph 68 fails to make an allegation of fact to which a response is required. To the extent Paragraph 68 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

97. Defendant denies the allegations of Paragraph 105.⁴

98. Paragraph 106 fails to state an allegation of fact to which a response is required. To the extent Paragraph 106 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

99. Defendant denies the allegations of Paragraph 107.

100. Defendant denies the allegations of Paragraph 108.

101. Paragraph 109 fails to state an allegation of fact to which a response is required. To the extent Paragraph 109 makes an allegation of fact, Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations and therefore denies the same.

⁴ Plaintiff's Second Amended Petition changes numbering at this point.

United States Supreme Court Background Information Re: Section 618

102. Paragraph 110 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 110 makes an allegation of fact, Defendant denies the same.

103. Paragraph 111 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 111 makes an allegation of fact, Defendant denies the same.

104. Paragraph 112 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 112 makes an allegation of fact, Defendant denies the same.

105. Paragraph 113 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 113 makes an allegation of fact, Defendant denies the same.

106. Paragraph 114 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 114 makes an allegation of fact, Defendant denies the same.

107. Paragraph 115 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 115 makes an allegation of fact, Defendant denies the same.

108. Paragraphs 116 and 117 fail to state an allegation of fact to which a response is required. To the extent Paragraphs 116 and 117 make an allegation of fact, Defendant denies the same.

109. Paragraph 118 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 118 makes an allegation of fact, Defendant denies the same.

110. Paragraph 119 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 119 makes an allegation of fact, Defendant denies the same.

111. Paragraph 120 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 120 makes an allegation of fact, Defendant denies the same.

112. Paragraph 121 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 121 makes an allegation of fact, Defendant denies the same.

113. Paragraph 122 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 122 makes an allegation of fact, Defendant denies the same.

114. Paragraph 123 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 123 makes an allegation of fact, Defendant denies the same.

115. Paragraph 124 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 124 makes an allegation of fact, Defendant denies the same.

116. Paragraph 125 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 125 makes an allegation of fact, Defendant denies the same.

117. Paragraph 126 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 126 makes an allegation of fact, Defendant denies the same.

118. Paragraph 127 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 127 makes an allegation of fact, Defendant denies the same.

119. Paragraph 128 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 128 makes an allegation of fact, Defendant denies the same.

120. Paragraph 129 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 129 makes an allegation of fact, Defendant denies the same.

121. Paragraph 130 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 130 makes an allegation of fact, Defendant denies the same.

122. Paragraph 131 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 131 makes an allegation of fact, Defendant denies the same.

123. Paragraph 132 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 132 makes an allegation of fact, Defendant denies the same.

124. Paragraph 133 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 133 makes an allegation of fact, Defendant denies the same.

125. Paragraph 134 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 134 makes an allegation of fact, Defendant denies the same.

126. Paragraph 135 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 135 makes an allegation of fact, Defendant denies the same.

127. Defendant denies the allegations of Paragraph 136.

128. Paragraph 137 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 137 makes an allegation of fact, Defendant denies the same.

129. Paragraph 138 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 138 makes an allegation of fact, Defendant denies the same.

130. Paragraph 139 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 139 makes an allegation of fact, Defendant denies the same.

131. Paragraph 140 and subparagraphs 137 through 139 fail to state an allegation of fact to which a response is required. To the extent Paragraph 140 and subparagraphs 137 through 139 make an allegation of fact, Defendant denies the same.

132. The unnumbered paragraph between subparagraphs 139 and 140 and subparagraphs 140 through 144 fail to state an allegation of fact to which a response is required.
To the extent these paragraphs make an allegation of fact, Defendant denies the same.

Defendants Actions Re: The FCRA Section 623 and Punitive Damage Standard. . .

133. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 145 and therefore denies the same.

134. Defendant denies the allegations of Paragraph 146.

135. Defendant denies the allegations of Paragraph 147.

136. There is no Paragraph 148 in this section of Plaintiff's Second Amended Petition.

137. Paragraph 149 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 149 makes an allegation of fact, Defendant denies the same.

138. Defendant denies the allegations of Paragraph 150.

139. Defendant denies the allegations of Paragraph 151.

140. Defendant denies the allegations of Paragraph 152.

141. Defendant denies the allegations of Paragraph 153.

142. Defendant denies the allegations of Paragraph 154.

143. Defendant denies the allegations of Paragraph 155.

144. Paragraph 156 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 156 makes an allegation of fact, Defendant denies the same.

145. Paragraph 157 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 157 makes an allegation of fact, Defendant denies the same.

146. Paragraph 158 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 158 makes an allegation of fact, Defendant denies the same.

147. Paragraph 159 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 159 makes an allegation of fact, Defendant denies the same.

148. Paragraph 160 fails to state an allegation of fact to which a response is required.

To the extent Paragraph 160 makes an allegation of fact, Defendant denies the same.

149. Paragraph 161 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 161 makes an allegation of fact, Defendant denies the same.

150. Paragraph 162 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 162 makes an allegation of fact, Defendant denies the same.

151. Paragraph 163 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 163 makes an allegation of fact, Defendant denies the same.

152. Paragraph 164 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 164 makes an allegation of fact, Defendant denies the same.

153. Paragraph 165 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 165 makes an allegation of fact, Defendant denies the same.

154. Paragraph 166 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 166 makes an allegation of fact, Defendant denies the same.

155. Defendant denies the allegations of Paragraph 167.

156. Defendant denies the allegations of Paragraph 168.

The – Aided – In – Agency – Relation – Rule

157. Defendant denies the allegations of Paragraph 169.

158. Paragraph 170 (first) fails to state an allegation of fact to which a response is required. To the extent Paragraph 170 (first) makes an allegation of fact, Defendant denies the same.

159. Paragraph 170 (second) fails to state an allegation of fact to which a response is required. To the extent Paragraph 170 (second) makes an allegation of fact, Defendant denies the same.

160. Paragraph 171 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 171 makes an allegation of fact, Defendant denies the same.

161. Paragraph 172 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 172 makes an allegation of fact, Defendant denies the same.

162. Paragraph 173 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 173 makes an allegation of fact, Defendant denies the same.

163. Paragraph 174 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 174 makes an allegation of fact, Defendant denies the same.

164. Paragraph 175 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 175 makes an allegation of fact, Defendant denies the same.

165. Paragraph 176 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 176 makes an allegation of fact, Defendant denies the same.

166. Paragraph 177 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 177 makes an allegation of fact, Defendant denies the same.

167. Defendant denies the allegations of Paragraph 178.

168. There is no Paragraph 179 in this portion of Plaintiff's Second Amended Petition.

Defendant's Affirmative Federal FCRA Statutory Duties

169. Defendant denies the allegations of Paragraph 180.

170. Defendant denies the allegations of Paragraph 181.

171. Defendant denies the allegations of Paragraph 182.

172. Defendant denies the allegations of Paragraph 183.

173. Defendant denies the allegations of Paragraphs 184 through 187.

174. There is no Paragraph 188 in this portion of Plaintiff's Second Amended Petition.

Count One Under FCRA

175. Defendant is without sufficient knowledge and information to form a belief as to the truth of the allegations of Paragraph 189 and therefore denies the same.

176. Defendant admits the allegation of Paragraph 190.

177. Paragraph 191 fails to state an allegation of fact to which a response is required. To the extent Paragraph 191 makes an allegation of fact, Defendant denies the same.

178. Paragraph 192 fails to state an allegation of fact to which a response is required. To the extent Paragraph 192 makes an allegation of fact, Defendant denies the same.

179. Paragraph 193 fails to state an allegation of fact to which a response is required. To the extent Paragraph 193 makes an allegation of fact, Defendant denies the same.

180. Paragraph 194 fails to state an allegation of fact to which a response is required. To the extent Paragraph 194 makes an allegation of fact, Defendant denies the same.

181. Paragraph 195 fails to state an allegation of fact to which a response is required. To the extent Paragraph 195 makes an allegation of fact, Defendant denies the same.

182. Paragraph 196 fails to state an allegation of fact to which a response is required. To the extent Paragraph 196 makes an allegation of fact, Defendant denies the same.

183. Paragraph 197 fails to state an allegation of fact to which a response is required. To the extent Paragraph 197 makes an allegation of fact, Defendant denies the same.

184. Paragraph 198 fails to state an allegation of fact to which a response is required. To the extent Paragraph 198 makes an allegation of fact, Defendant denies the same.

185. Paragraph 199 fails to state an allegation of fact to which a response is required. To the extent Paragraph 199 makes an allegation of fact, Defendant denies the same.

186. Paragraph 200 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 200 makes an allegation of fact, Defendant denies the same.

187. Paragraph 201 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 201 makes an allegation of fact, Defendant denies the same.

188. Paragraph 202 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 202 makes an allegation of fact, Defendant denies the same.

189. Paragraph 203 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 203 makes an allegation of fact, Defendant denies the same.

190. Defendant denies the allegations of Paragraph 204.

191. Defendant denies the allegations of Paragraph 205.

Count Two Under FCRA

192. Paragraph 206 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 206 makes an allegation of fact, Defendant denies the same.

193. Paragraph 207 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 207 makes an allegation of fact, Defendant denies the same.

194. Paragraph 208 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 208 makes an allegation of fact, Defendant denies the same.

195. Paragraph 209 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 209 makes an allegation of fact, Defendant denies the same.

196. Paragraph 210 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 210 makes an allegation of fact, Defendant denies the same.

197. Paragraph 211 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 211 makes an allegation of fact, Defendant denies the same.

198. Paragraph 212 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 212 makes an allegation of fact, Defendant denies the same.

199. Paragraph 213 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 213 makes an allegation of fact, Defendant denies the same.

200. Paragraph 214 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 214 makes an allegation of fact, Defendant denies the same.

201. Paragraph 215 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 215 makes an allegation of fact, Defendant denies the same.

202. Defendant denies the allegations of Paragraph 216.

Count Three Under FCRA

203. Paragraph 217 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 217 makes an allegation of fact, Defendant denies the same.

204. Paragraph 218 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 218 makes an allegation of fact, Defendant denies the same.

205. Paragraph 219 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 219 makes an allegation of fact, Defendant denies the same.

206. Paragraph 220 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 220 makes an allegation of fact, Defendant denies the same.

207. Paragraph 221 fails to state an allegation of fact to which a response is required.
To the extent Paragraph 221 makes an allegation of fact, Defendant denies the same.

208. Defendant denies the allegations of Paragraph 222.

209. Defendant denies the allegations of Paragraph 223.

210. Defendant denies the allegations of Paragraph 224.

211. Defendant denies the allegations of Paragraph 225.

General Denial of Allegations Not Admitted

212. Defendant denies all factual allegations contained in Plaintiff's Second Amended Petition not expressly admitted or avoided in this Answer.

Affirmative Defenses

1. Plaintiff's claims are barred in whole or in part by the applicable Statute of Limitations. All claims for violation of 15 U.S.C. 1681s-2(b) are subject to the two-year statute of limitations as provided for in 15 U.S.C. 1681(p). Plaintiff discovered the violations that are the basis for Plaintiff's claims on or about March 16, 2010 through April 16, 2010 and did not file this action until November 14, 2013.

2. Plaintiff's claims are barred in whole or in part by application of the terms of the Cardholder Agreement between Plaintiff and Defendant, in that Plaintiff failed to notify Defendant of the errors on his statement as required by the agreement and/or Plaintiff failed to notify Defendant that Plaintiff was continuing to question the errors on the account.

3. Plaintiff's claims are barred by the doctrine of unclean hands in that Plaintiff refused to accept and/or respond to communications from Defendant to Plaintiff regarding the errors Plaintiff has put at issue.

4. Plaintiff's claims are barred and/or limited, in whole or in part, because Plaintiff's damages, if any, were directly caused or contributed to by the negligent and/or intentional acts or omissions of Plaintiff and/or third parties. The fault of such other parties should be compared to the fault, if any, of Defendant, and Defendant's liability should be reduced accordingly.

5. Plaintiff's claims are barred by his failure to mitigate damages.

6. Plaintiff's claims are barred by the doctrine of estoppel.

7. Plaintiff's claims are barred by the doctrine of laches.

8. Defendant denies that punitive damages are submissible or appropriate. To the extent Plaintiff seeks recovery of punitive damages, the imposition of such punitive damages under the facts of this case would be violative of the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. Specifically, Defendant states that the punitive damages alleged in this case are excessive punishment and that their imposition would constitute a fundamental denial of due process of law.

WHEREFORE, having fully answered Plaintiff's Second Amended Complaint, Defendant The Central Trust Bank prays for this Court's Order dismissing Plaintiff's Second Amended Complaint, at Plaintiff's costs and for such further and other relief as this Court deems just and proper.

/s/Heidi Doerhoff Vollet

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the above document was transmitted to Plaintiff by first class mail on this 18th day of November, 2014.

/s/Heidi Doerhoff Vollet

Heidi Doerhoff Vollet